

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION**

IN RE:

KELLY SCOTT FRADY
TANYA RENEE CARRICK FRADY,
DEBTORS.

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CASE NO.: 10-51653
CHAPTER 7

ORDER

THIS CAUSE coming on to be heard before the undersigned United States Bankruptcy Court Judge presiding upon the Motion for Adequate Protection and Relief from the Automatic Stay, and Request for Application of 11 U.S.C. 362(e) (the "Motion") filed by HomeTrust Bank (the "Creditor") to exercise its state law rights with respect to certain real property located at 153 Lookout Mountain Road, Lexington, NC 27292 (the "Real Property"). The Court having considered the Motion and the record in this case finds and concludes as follows:

1. The Creditor filed the Motion on July 25, 2011.
2. The Clerk of the Bankruptcy Court mailed a Notice to interested parties on July 27, 2011 that any objection to the Motion must be filed with the Court by August 8, 2011 and that if no objections were filed within that time period, then the Court would consider the Motion without a hearing.
3. The Chapter 7 Trustee filed an Objection to the Motion on August 2, 2011.
4. The Chapter 7 Trustee's Objection is overruled.
5. Cause exists for modification of the automatic stay afforded by Section 362 of the Bankruptcy Code.

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED, AND DECREED that the Motion is granted, and the automatic stay afforded by Section 362 is modified to allow Creditor to exercise its state law rights with respect to the Real Property.

IT IS FURTHER ORDERED that if a sale of the Real Property is held and excess proceeds are derived, then such proceeds shall be deposited with the Chapter 7 Trustee in this case.

KELLY SCOTT FRADY
TANYA RENEE CARRICK FRADY

PARTIES TO BE SERVED

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